

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT

RAGHIDA HANNA,

Plaintiff,

Case No.
Hon.

v.

HOMEGOODS, INC., a Delaware
Corporation, and THE TJX COMPANIES, INC.,
d/b/a T.J. MAXX HOMEGOODS,
a Delaware Corporation,

Defendants.

Clifford D. Neubauer (P70910)
ERSKINE LAW
Attorney for Plaintiff
612 W. University, Suite 200
Rochester, MI 48307
248.601.4499
cneubauer@erskinelaw.com

John J. Gillooly (P41948)
GARAN LUCOW MILLER, P.C.
Attorney for Defendants
1155 Brewery Park Blvd., Suite 200
Detroit, MI 48207
313.446.5501
jgillooly@garanlucow.com

**NOTICE FOR REMOVAL OF CAUSE TO
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NOW COME Defendants, HOMEGOODS, INC., and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS, by and through their attorneys, GARAN LUCOW MILLER, P.C., and hereby give notice of removal of this action from the Circuit Court for the County of Wayne, State of Michigan (Case No. 22-005071-NO) to the United States District Court for

the Eastern District of Michigan Southern Division, pursuant to 28 U.S.C. §§ 1332 and 1441. In support of its Notice of Removal, HOMEGOODS, INC., and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS, state as follows:

1. An action has been commenced against Defendants HOMEGOODS, INC., and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS in the Circuit Court for the County of Wayne, State of Michigan, entitled Raghida Hanna v. HOMEGOODS, INC., and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS, Case No. 22-005071-NO. Copies of the Summons and Complaint, and all pleadings filed are attached hereto as **Exhibit A**.

2. HOMEGOODS, INC., and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS were served with copies of the Summons and Complaint through its registered agent by certified mail on May 4, 2022. This Notice of Removal is due within thirty (30) days following receipt thereof, and is therefore timely under 28 U.S.C. § 1446(b)(1).

3. In her Complaint, Plaintiff alleges that she suffered an injury located at 42615 Ford Road, in the City of Canton, in the County of Wayne and State of Michigan. Plaintiff seeks damages in an unspecified amount in

excess of \$25,000, the jurisdictional minimum for a civil action filed in a Michigan circuit court. (**Exhibit A, ¶4**)

GROUND FOR REMOVAL

4. This Honorable Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and removal is proper pursuant to 28 U.S.C. § 1441(a), which provides, in pertinent part, that:

[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending.

5. The United States District Court for the Eastern District of Michigan, Southern Division, has original jurisdiction because this is an action (a) wherein the amount in controversy exceeds the sum of \$75,000 exclusive of interests and costs; and (b) between citizens of different states.

6. Plaintiff alleges in her Complaint that she is a resident of the city of Livonia, County of Wayne and resides in Michigan. (**Exhibit A, ¶1**) Thus, Plaintiff is a citizen of Michigan.

7. THE TJX COMPANIES, INC. is a foreign corporation with its principal place of business located in Framingham, Massachusetts. HOMEGOODS, INC. is a foreign corporation with its principal place of business located in Framingham, Massachusetts.

8. Because Plaintiff is a citizen of Michigan and Defendants are citizens of Massachusetts, there is complete diversity of citizenship between the parties.

9. Further, the amount in controversy exceeds \$75,000 as discerned from the allegations in Plaintiff's Complaint and pertinent jury verdict and settlement research. A notice of removal may assert the amount in controversy if the initial pleading seeks "a money judgment, but the State practice . . . permits recovery of damages in excess of the amount demanded" and the district court finds that the amount in controversy is more likely than not above \$75,000. See 28 U.S.C. § 1446(c)(A)-(B); see also *Gafford v. Gen. Elec. Co.*, 997 F.2d 150, 158 (6th Cir. 1993), *abrogated on other grounds*, *Hertz Corp. v. Friend*, 130 S. Ct. 1181 (2010).

10. Plaintiff has alleged that she sustained injuries and damages as follows:

"a. Injuries including but not limited to her neck and left shoulder:

b. Severe humiliation and embarrassment, which is of an ongoing and permanent nature;

c. Loss of full ability to perform the normal vocational and avocational activities of life, and which prevent Plaintiff from participating in recreational activities, which loss is permanent;

d. Past, present and future hospital, medical, and pharmaceutical bills for treatment and medication;

e. Severe, frequent and persistent pain which is of a continuing and permanent nature.”

(**Exhibit A**, ¶19). Plaintiff’s allegations of injuries reflect a substantial likelihood that this controversy involves claims exceeding \$75,000.

PROCEDURAL REQUIREMENTS FOR REMOVAL

12 HOMEGOODS, INC., and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS have satisfied or will satisfy all of the procedural requirements for removal under 28 U.S.C. § 1446.

a. In accordance with 28 U.S.C. § 1446(a), this is the appropriate court for removal because the state court in which this action was commenced, the Wayne County Circuit Court, is within this Court’s district and division. Copies of all process, pleadings, and orders served upon HomeGoods, Inc. and The TJX Companies, Inc. d/b/a T.J. Maxx HomeGoods in this action, including the Summons and Complaint, are attached as **Exhibit A**. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11.

b. In accordance with 28 U.S.C. § 1446(b)(3), this Notice of Removal is being timely filed within 30 days of the receipt of the Summons and Complaint.

c. In accordance with 28 U.S.C. § 1446(d), HomeGoods, Inc. and The TJX Companies, Inc. d/b/a T.J. Maxx HomeGoods are promptly notifying Plaintiff in writing that this case has been removed to this Honorable Court pursuant to this Notice of Removal. HomeGoods, Inc. and The TJX Companies, Inc. d/b/a T.J. Maxx HomeGoods have, contemporaneously with the filing of this Notice of Removal, filed a copy of the same with the court clerk of the Wayne County Circuit Court.

13. The prerequisites for removal have been met. If any questions arise as to the propriety of the removal of this action, HOMEGOODS, INC., and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS, respectfully request the opportunity to present briefing, argument, and further evidence necessary to support its position that this case is removable.

14. In removing this action, HOMEGOODS, INC., and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS specifically reserve all its defenses including, without limitation, all defenses specified in Rule 12(b) of the Federal Rules of Civil Procedure.

WHEREFORE, Defendants HOMEGOODS, INC., and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS hereby petition to remove this case from the Circuit Court for the County of Wayne, State of Michigan to the United States District Court for the Eastern District of Michigan, Southern Division, and requests that all future proceedings be held in this Court.

Respectfully submitted:

GARAN LUCOW MILLER, P.C.

/s/John J. Gillooly

JOHN J. GILLOOLY (P41948)

Attorney for Defendants

1155 Brewery Park Blvd., Suite 200

Detroit, MI 48207

313.446.5501

jjgillooly@garanlucow.com

Dated: May 19, 2022

ATTACHMENT



CT Corporation
Service of Process Notification
05/04/2022
CT Log Number 541521400

Service of Process Transmittal Summary

TO: Debra David, Paralegal
The TJX Companies, Inc.
770 Cochituate Rd
Framingham, MA 01701-4666

RE: Process Served in Michigan

FOR: The TJX Companies, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: RAGHIDA HANNA // To: The TJX Companies, Inc.

DOCUMENT(S) SERVED: Summons, Proof(s), Complaint

COURT/AGENCY: Wayne County, Circuit Court, MI
Case # 22005071NO

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 05/02/2019

PROCESS SERVED ON: The Corporation Company, Plymouth, MI

DATE/METHOD OF SERVICE: By Certified Mail on 05/04/2022 postmarked on 05/02/2022

JURISDICTION SERVED: Michigan

APPEARANCE OR ANSWER DUE: Within 28 days

ATTORNEY(S)/SENDER(S): Clifford Daniel Neubauer
Advocates Law Group, PLLC
612 W University Dr
Suite 200
Rochester, MI 48307-1895
248-601-4499

ACTION ITEMS: CT has retained the current log, Retain Date: 05/05/2022, Expected Purge Date: 05/10/2022

Image SOP

Email Notification, Debra David debra_david@tjx.com

Email Notification, James Evans james_evans@tjx.com

REGISTERED AGENT CONTACT: The Corporation Company
40600 Ann Arbor Road E
Suite 201
Plymouth, MI 48170
800-448-5350
MajorAccountTeam1@wolterskluwer.com



CT Corporation
Service of Process Notification

05/04/2022

CT Log Number 541521400

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

The Erskine Law Group, PC
Cindi Purdom
612 W. UNIVERSITY DR.
STE. 200
ROCHESTER MI 48307
22005071NO

US POSTAGE AND FEES PAID

2022-05-02

48307

C363112

Retail

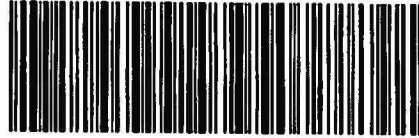
3.0 OZLTR

easypost.
easypost.com/signup



0901000002251

USPS CERTIFIED MAIL™



9414 8368 9784 6268 4140 75



THE TJX COMPANIES, INC DBA T.J. MAXX HOMEGOODS
C/O THE CORPORATION COMPANY
40600 ANN ARBOR RD E STE 201
PLYMOUTH MI 48170-4675

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

RAGHIDA HANNA,

Plaintiff,

Case No. 22- NO
Hon.

Vs.

HOMEGOODS, INC., a Delaware
Corporation, and THE TJX COMPANIES, INC.,
d/b/a T.J. MAXX HOMEGOODS,
A Delaware Corporation,

Defendants.

CLIFFORD D. NEUBAUER, P70910
ERSKINE LAW
Attorney for Plaintiff
612 W. University, Suite 200
Rochester, MI 48307
248-601-4499 / 248-601-4497 Fax
cneubauer@erskinelaw.com

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

COMPLAINT

NOW COMES the above-named Plaintiff, by and through her attorneys, ERSKINE LAW, and files this Complaint against the Defendants and states as follows:

1. That Plaintiff is a resident of the City of Livonia, County of Wayne, State of Michigan.
2. That at all times herein after mentioned, prior and subsequent thereto, Defendant, HomeGoods, Inc., a Delaware Corporation doing business at 42615 Ford Rd, in the City of Canton, County of Wayne, State of Michigan, with its Resident Agent, The Corporation Company, 40600 Ann Arbor Rd E, Suite 201, Plymouth, MI 48170.

3. That at all times herein after mentioned, prior and subsequent thereto, Defendant, The TJX Companies, Inc., d/b/a T.J. MAXX HomeGoods, a Delaware Corporation doing business at 42615 Ford Rd, in the City of Canton, County of Wayne, State of Michigan, with its Resident Agent, The Corporation Company, 40600 Ann Arbor Rd E, Suite 201, Plymouth, MI 48170.

4. That the amount in controversy herein exceeds the sum of Twenty Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.

5. That on or about 5/2/2019, the Defendants did business and were the owners and/or maintainers of real property located at 42615 Ford Rd, in the City of Canton, MI.

6. That on or about 5/2/2019 Defendants had exclusive possession and control over the area where the incident occurred.

7. That on or about 5/2/2019, Plaintiff was a business invitee at Defendants' establishment located at 42615 Ford Rd, in the City of Canton, MI; that on that date, Plaintiff was injured which caused Plaintiff to sustain serious and disabling injuries, as more fully set forth herein.

8. That at all times relevant to the within, the Defendants owed a duty to the Plaintiff to properly maintain the premises and were in a position to best control and prevent the condition exposing the Plaintiff to the unreasonable risk of harm, and knew of the defective and unsafe condition regarding the sale of their products.

9. That the Defendant owed a duty to the Plaintiff to inspect the shelving units to ensure that the premises would pose no risk of unreasonable harm to those lawfully on the premises.

FACTUAL ALLEGATIONS

10. Plaintiff hereby restates and realleges paragraphs 1 through 9 herein, as if fully set forth herein.

11. On 5/2/2019, Plaintiff traveled to HomeGoods, Inc. on 42615 Ford Rd, in the City of Canton, MI.

12. While shopping Plaintiff was struck by a tray which fell off the Defendants shelf causing serious injury.

13. As a result of the various acts of Defendants' agents and/or employees negligence and gross negligence and their failure to maintain their products for sale, Plaintiff suffered significant and horrific injuries, including, but not limited to, conscious pain and suffering.

COUNT I – NEGLIGENCE AND/OR GROSS NEGLIGENCE

14. Plaintiff hereby restates and realleges paragraphs above, as if fully set forth herein.

15. At all times relevant hereto, and pursuant to Michigan law, Defendants, through their employees, owed a duty to act with ordinary care for the safety of its customers including Plaintiff, which duty included but is not limited to obeying all laws, statutes and city ordinances and MIOSHA regulations which conducting day-to-day business.

16. At all times relevant hereto, Defendants, through their employees and/or corporate policy and procedures, had a duty to act reasonably and carefully under the same or similar circumstances as existed at the time of the subject incident.

17. At all times relevant hereto, Defendants breached numerous duties owed to Plaintiff in the following ways including, but not limited to:

- a. Failure to ensure the product was properly placed and/or secured;
- b. Failure to place the trays on a suitable location so it would not fall from its location;
- c. Failure to ensure the tray so that it would not become unstable, uneven, or otherwise fall from its location;
- d. Wrongfully overloading the shelving prior to and while stacking the product on the shelves;
- e. Failure to ensure that the area where Plaintiff was injured was safe for customer travel prior to the product falling;
- f. Failure to create, implement, and enforce a safety policy and procedure to prevent incidents such as Plaintiff's complaints herein;
- g. Failing to otherwise act reasonably under the circumstances;
- h. Failure to obey all applicable statutes and/or city ordinances; and

- b. Severe humiliation and embarrassment, which is of an ongoing and permanent nature;
- c. Loss of full ability to perform the normal vocational and avocational activities of life, and which prevent Plaintiff from participating in recreational activities, which loss is permanent;
- d. Past, present and future hospital, medical, and pharmaceutical bills for treatment and medication;
- e. Severe, frequent and persistent pain which is of a continuing and permanent nature.

32. That in the event that Plaintiff was suffering from any other medical and/or emotional condition prior to the incident, Plaintiff claims that those conditions were precipitated, aggravated and/or accelerated by reason of the foregoing.

WHEREFORE, Plaintiff herein prays that this Court enter a judgment in her favor as against the Defendants, jointly and severally, in excess of Twenty Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.

Respectfully submitted,

/s/Clifford Neubauer
Clifford Neubauer P70910
Attorney for Plaintiff

Dated: April 29, 2022

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT

RAGHIDA HANNA,

Plaintiff,

Case No.
Hon.

V.

HOMEGOODS, INC., a Delaware Corporation, and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS, a Delaware Corporation,

Defendants.

Clifford D. Neubauer (P70910)
ERSKINE LAW
Attorney for Plaintiff
612 W. University, Suite 200
Rochester, MI 48307
248.601.4499
cneubauer@erskinelaw.com

John J. Gillooly (P41948)
GARAN LUCOW MILLER, P.C.
Attorney for Defendants
1155 Brewery Park Blvd., Suite 200
Detroit, MI 48207
313.446.5501
jjgillooly@garanlucow.com

AFFIDAVIT

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

JOHN J. GILLOOLY, being first duly sworn, deposes and says, that he is associated with the law firm of GARAN LUCOW MILLER, P.C. and that he has been charged with the defense and representation of HOMEGOODS, INC., and THE TJX COMPANIES, INC., d/b/a T.J. MAXX HOMEGOODS.,

Defendants, herein; that in such capacity he has prepared the foregoing Notice for Removal of Cause to the United States District Court, Eastern District of Michigan, Southern Division, that the matters set forth in said Notice are true except as to those matters stated herein to be upon his information and belief as to which matters he is informed and believes same to be true.

Further deponent sayeth not.

/s/John J. Gillooly
JOHN J. GILLOOLY (P41948)

Subscribed and sworn to before me
on the 19th day of May, 2022.

/s/Dena Marie Shealy
Dena Marie Shealy, Notary Public
County of Macomb, State of Michigan
My Commission Expires: 02/28/2026
Acting in the County of Wayne

by electronic filing the foregoing paper with the Clerk of the Wayne County Circuit Court using the E-File & Serve system.

/s/Dena Marie Shealy

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

RAGHIDA HANNA,

Plaintiff,

Case No. 22-005071-NO

Hon. Sheila Ann Gibson

v.

HOMEGOODS, INC., a Delaware
Corporation, and THE TJX COMPANIES, INC.,
d/b/a T.J. MAXX HOMEGOODS,
a Delaware Corporation,

Defendants.

Clifford D. Neubauer (P70910)
ERSKINE LAW
Attorney for Plaintiff
612 W. University, Suite 200
Rochester, MI 48307
248.601.4499
cneubauer@erskinelaw.com

John J. Gillooly (P41948)
GARAN LUCOW MILLER, P.C.
Attorney for Defendants
1155 Brewery Park Blvd., Suite 200
Detroit, MI 48207
313.446.5501
jgillooly@garanlucow.com

NOTICE OF FILING OF REMOVAL

PLEASE TAKE NOTICE that a Notice of Removal of the entitled action from the Wayne County Circuit Court, State of Michigan, to the United States District Court for the Eastern District of Michigan, a copy of which is attached hereto, was duly filed May 19, 2022, in the United States District Court for the Eastern District of Michigan.

Respectfully submitted:

GARAN LUCOW MILLER, P.C.

/s/John J. Gillooly

JOHN J. GILLOOLY (P41948)
Attorney for Defendants
1155 Brewery Park Blvd., Suite 200
Detroit, MI 48207
313.446.5501
jgillooly@garanlucow.com

Dated: May 19, 2022

Proof of Service

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney(s) of record of all parties to the above cause at their respective addresses as disclosed by the pleadings of record herein on May 19, 2022,

by: ___ U.S. Mail ☒ MiFILE
 ___ Hand Delivery ___ Overnight Courier
 ___ Facsimile ___ Electronic Mail

I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.

 /s/Dena Marie Shealy

5196944